

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

HEAVEN WEST,

Defendant.

**Consent/~~Proposed~~
Order of Restitution**

21 Cr. 729 (LAK)

THE HONORABLE LEWIS A. KAPLAN, United States District Judge:

Upon the application of the United States of America, by its attorney, Damian Williams, United States Attorney for the Southern District of New York, Michael D. Neff, Assistant United States Attorney, of counsel; the presentence investigation report; the defendant's conviction on Count One of Indictment 21 Cr. 729 (LAK); and all other proceedings in this case, it is hereby ORDERED that:

1. Amount of Restitution

Heaven West, the defendant, shall pay restitution in the total amount of **\$59,644**, pursuant to 18 U.S.C. § 3663A (MVRA), to the victim of the offense charged in Count One. The name, address, and specific amount owed to the victim are set forth in the Schedule of Victims, attached hereto as Schedule A. Upon advice by the United States Attorney's Office of a change of address of the victim, the Clerk of the Court is authorized to send payments to the new address without further order of this Court.

A. Joint and Several Liability

Restitution in this case is joint and several in full (*i.e.*, up to \$59,644) with co-defendant Tatiana Daniel. The defendant's liability to pay restitution shall continue unabated until either the defendant has paid the full amount of restitution ordered herein, or every victim in Schedule A has

recovered the total amount of each loss from the restitution paid by the defendant and all co-defendants ordered to pay the same victim.

B. Apportionment Among Victims

Pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid. Restitution shall be paid to the victims identified in the Schedule of Victims, attached hereto as Schedule A, on a pro rata basis, whereby each payment shall be distributed proportionally to each victim based upon the amount of loss for each victim, as set forth more fully in Schedule A.

2. Schedule of Payments

Pursuant to 18 U.S.C. § 3664(f)(2), in consideration of the financial resources and other assets of the Defendant, including whether any of these assets are jointly controlled; projected earnings and other income of the Defendant; and any financial obligations of the Defendant; including obligations to dependents, the Defendant shall pay restitution in the manner and according to the schedule that follows:

In the interest of justice, restitution shall be payable in installments pursuant to 18 U.S.C. § 3572(d)(1) and (2). While serving any term of imprisonment, the Defendant shall make installment payments toward her restitution obligation, and may do so through the Bureau of Prisons' (BOP) Inmate Financial Responsibility Plan (IFRP). Pursuant to BOP policy, the BOP may establish a payment plan by evaluating the Defendant's six-month deposit history and subtracting an amount determined by the BOP to be used to maintain contact with family and friends. The remaining balance may be used to determine a repayment schedule. BOP staff shall help the Defendant develop a financial plan and shall monitor the inmate's progress in meeting her restitution obligation. Any unpaid amount remaining upon release from prison will be paid in

monthly installment payments of no less than ten percent of the Defendant's gross income, payable on the fifteenth of each month.

3. Payment Instructions

The defendant shall make restitution payments by certified check, money order, or online. Instructions for online criminal debt payments are available on the Clerk of Court's website at <https://nysd.uscourts.gov/payment-information#PaymentofCriminalDebt>. Checks and money orders shall be made payable to the "SDNY Clerk of Court" and mailed or delivered to: United States Courthouse, 500 Pearl Street, New York, New York 10007 - Attention: Cashier, as required by 18 U.S.C. § 3611. The defendant shall write her name and the docket number of this case on each check or money order.

4. Change in Circumstances

The defendant shall notify, within 30 days, the Clerk of Court, the United States Probation Office (during any period of probation or supervised release), and the United States Attorney's Office, 86 Chambers Street, 3rd Floor, New York, New York 10007 (Attn: Financial Litigation Program) of (1) any change of the defendant's name, residence, or mailing address, or (2) any material change in the defendant's financial resources that affects the defendant's ability to pay restitution in accordance with 18 U.S.C. § 3664(k).

5. Term of Liability

The defendant's liability to pay restitution shall terminate on the date that is the later of 20 years from the entry of judgment or 20 years after the defendant's release from imprisonment, as provided in 18 U.S.C. § 3613(b). Subject to the time limitations in the preceding sentence, in the event of the death of the defendant, the defendant's estate will be held responsible for any unpaid

balance of the restitution amount, and any lien filed pursuant to 18 U.S.C. § 3613(c) shall continue until the estate receives a written release of that liability.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney
Southern District of New York

By: Michael D. Neff
Michael D. Neff
Assistant United States Attorney
Tel.: (212) 637-2107

August 30, 2023
DATE

HEAVEN WEST,

By: [Signature]
HEAVEN WEST

2/1/24
DATE

By: [Signature]
Marlon Kirton, Esq.
Kirton Law Firm
175 Fulton Avenue, Suite 305
Hempstead, NY 11550
(516) 833-5617

2/1/24
DATE

SO ORDERED:

[Signature]
THE HONORABLE LEWIS A. KAPLAN
United States District Judge
Southern District of New York

2/1/24
DATE